

Application No.: 10/806,272  
Amendment Dated: August 12, 2008  
Reply to Office Action of: May 14, 2008

MTS-3514US

**Remarks/Arguments:**

Claims 1 and 3-23 are pending and stand rejected.

By this Amendment, claims 1, 3, 9, 21 and 23 are amended, and claim 8 is cancelled without prejudice.

No new matter is added by the claims amendments. Support for the claim amendments can be found throughout the original specification and, for example, in original claim 8 and the disclosure at page 33, line 12 to page 34, line 22.

**Rejection of Claim 21 Under 35 U.S.C. § 102(b)**

In the Office Action, at item 4, claim 21 is rejected under 35 U.S.C. § 102(b) as being anticipated by Dresel et al. (U.S. Patent No. 6,170,019).

Claim 1 is directed to a data use management system, and recites:

... said transmitting-side authentication means sets the maximum authentication count to a smaller value based on a result of said classification of the plurality of ranges so that a class with greater transmission time is set to the smaller value of the maximum authentication count.

By setting the maximum authentication count to a smaller value for a class with the greater transmission time, the transmitting apparatus may management the number of authentications of the receiving apparatuses.

**Dresel Reference**

Dresel discloses that a ping process 48 of the browser continuously sends ping messages to the server 10 via the interface 32 at predetermined time intervals. Each received ping message effects a calling of the ping program 28 via the CGI interface of the server 10, which in turn sends a corresponding message to the monitoring module via Inter-Process Communications (IPC). (See Dresel at col. 6, line 59 to col. 7, line

2.) Dresel further discloses that while the maintenance program is active and the ping process 48 of the browser is running, the monitoring module 20 continuously checks whether the most recently received ping message lies no longer than a predetermined time duration in the past. A failure of the ping message to arrive at monitoring module 20 (ping time error) indicates a malfunction, typical of a crash of a computer, a program abort or a loss of communication connection between the server 10 and the browser 40. (See Dresel at col. 8, lines 23-26.) When the monitoring module recognize a ping time error, it ends all active connection programs 12 and maintenance programs 14. That is, Dresel provides a ping process 48 which indicates malfunction of a computer, a program abort or a loss of communication connection between the server and the browser. When such a condition exists, the monitoring module 20 of Dresel ends all activate connection programs and maintenance programs. Dresel, however, is silent regarding the setting of an authentication maximum count and, more particularly, the setting of "the maximum authentication count to a smaller value based on a result of said classification of the plurality of ranges so that a class with greater transmission time is set to the smaller value of the maximum authentication count," as required by claim 1. This is because, Dresel does not contemplate the use of authentication counts. Instead, it uses the ping process 48 to determine abnormal operation of the system and then terminates processing in the system to cause a user to re-authenticate after abnormality in the ping process is determined. Dresel, for example, is silent regarding the number of times a user may re-authenticate.

Accordingly, it is submitted that claim 21 patentably distinguishes over Dresel for at least the above-mentioned reasons.

Application No.: 10/806,272  
Amendment Dated: August 12, 2008  
Reply to Office Action of: May 14, 2008

MTS-3514US

**Rejection of Claims 1, 3-20, 22 and 23**

In the Office Action, at item 6, claims 1, 3-20, 22 and 23 are rejected under 35 U.S.C. § 103(a) as unpatentable over Terranova et al. (U.S. Patent No. 6,868,434, hereafter referred to as "Terranova") in view of Dresel in further view of Conte et al. (U.S. Patent No. 5,845,065, hereafter referred to as "Conte").

Reconsideration is respectfully requested.

**Terranova Reference**

Terranova discloses the system and method for testing server latency using multiple concurrent users in a computer system. Terranova further discloses the latency value measured using a test program may represent a first time portion that corresponds to the amount of time to perform a given access to a file and a second time portion that corresponds to the server verifying that the user has permission to access the file. (See Terranova at col. 4, lines 6-12). In Terranova, user authentication may be performed according to an operating system protocol. The user may be logged into a server using an operating system protocol of a client. The server may validate the logon of the user. An access token may be received which was generated by the server and may be conveyed to the client that is executing the instance of the tests program (i.e., the program used to measure server latency). Terranova, however, is silent regarding authentication counts and more particularly, does not disclose or suggest the maximum authentication count feature (i.e., "said transmitting-side authentication means sets the maximum authentication count to a smaller value based on a result of said classification of said plurality of ranges so that a class with greater transmission time is set to the smaller value of the maximum authentication count,") as required by claim 1.

Application No.: 10/806,272  
Amendment Dated: August 12, 2008  
Reply to Office Action of: May 14, 2008

MTS-3514US

### **Dresel Reference**

Dresel was discussed above. It is submitted that Dresel does not disclose or suggest the maximum authentication count feature as recited in claim 1.

The addition of Conte does not overcome the deficiencies of Terranova in view of Dresel. This is because, Conte does not disclose or suggest the maximum authentication count feature as recited in claim 1. Instead, Conte which is directed to network license compliance includes a system for efficiently allocating licenses so that users requesting licenses are not denied access to requested programs and licenses are not wasted. (See Conte, col. 3, lines13-21.) Conte is silent regarding, for example, classifications of a plurality of ranges and that "the class with greater transmission time is set to the smaller value of the maximum authentication count," as required by claim 1. This is because, Conte does not contemplate classes or that such classes have transmission times associated with them.

Accordingly, it is submitted that claim 1 patentably distinguishes over Terranova in view of Dresel in further view of Conte for at least the above-mentioned reasons.

### **Claims 3 and 23**

Claims 3 and 23, which include similar but not identical features to those of claim 1, are submitted to patentably distinguish over Terranova and Dresel in view of Conte for at least similar reasons to those of claim 1.

Claims 4-20 and 22, which include all of the limitations of claim 1 or claim 3, are submitted to patentably distinguish Terranova and over Dresel in view of Conte for at least the same reasons as their respective independent claims.

Application No.: 10/806,272  
Amendment Dated: August 12, 2008  
Reply to Office Action of: May 14, 2008

MTS-3514US

**Rejection of Claim 21 Under 35 U.S.C. § 103(a)**

In the Office Action, at item 7, claim 21 is additionally rejected under 35 U.S.C. § 103(a) as being unpatentable over Terranova in view of Dresel.

Reconsideration is respectfully requested.

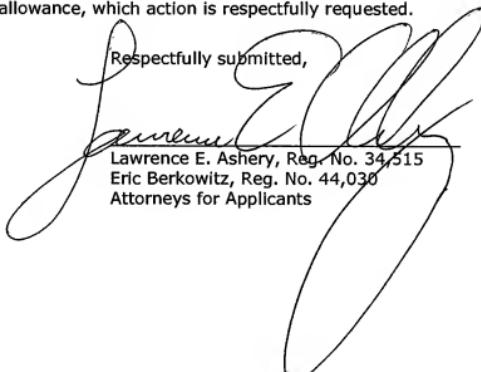
Claim 21, which includes similar but not identical features to those of claim 1, is submitted to patentably distinguish over Terranova in view of Dresel for at least similar reasons to those of claim 1.

Reconsideration is respectfully requested.

**Conclusion**

In view of the claim amendments and remarks, Applicants submit the application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

  
Lawrence E. Ashery, Reg. No. 34,515  
Eric Berkowitz, Reg. No. 44,030  
Attorneys for Applicants

EB/fp

Dated: August 12, 2008

P.O. Box 980  
Valley Forge, PA 19482  
(610) 407-0700

NM287878